

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Waste Connections US, Inc., a Delaware Corporation  
3 Waterway Square Place, Suite 110  
The Woodlands, Texas 77380

(b) County of Residence of First Listed Plaintiff Montgomery County, TX  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Stradley Ronon Stevens & Young, LLP  
2005 Market Street, Suite 2600  
Philadelphia, PA 19103

**DEFENDANTS**

Waste Connections, Inc., a Pennsylvania Corporation  
101 Steeplewood Drive  
Exton, PA 19341

County of Residence of First Listed Defendant Chester County, PA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |
|---|---------------------------------------|---------------------------------------|
| Citizen of This State   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1            |
| Citizen of Another State                                      | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            |
| Citizen or Subject of a Foreign Country                       | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            |
| Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4            | <input checked="" type="checkbox"/> 4 |
| Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. section 1331 and 28 U.S.C. section 1338(a)

Brief description of cause:  
Declaratory judgment action for trademark infringement

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

SEP - 7 2016

DATE

9/7/16

SIGNATURE OF ATTORNEY OF RECORD

Walter M. Lee

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to an appropriate calendar.

Address of Plaintiff: 3 Waterway Square Place, Suite 110, The Woodlands, Texas, 77380

Address of Defendant: 101 Steeplewood Drive, Exton, PA 19341

Place of Accident, Incident or Transaction: Downingtown, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☒ No

Does this case involve multidistrict litigation possibilities?

Yes No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. ☒ All other Federal Question Cases  
(Please specify) Trademark

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases  
(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Nicole M. Gill, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: 09/07/2016

Nicole M. Gill

Attorney-at-Law

320470

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 09/07/2016

Nicole M. Gill

Attorney-at-Law

320470

Attorney I.D.#

SEP - 7 2016



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Waste Connections, US Inc., a Delaware corporation :

CIVIL ACTION

v. :

Waste Connections, Inc., a Pennsylvania corporation :

NO.

16

4813

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

09/07/2016

Nicole M. Gill

Waste Connections US, Inc., a DE corp.

**Date**

**Attorney-at-law**

**Attorney for**

484-323-1352

610-640-1965

NGill@STRADLEY.COM

**Telephone**

**FAX Number**

**E-Mail Address**

(Civ. 660) 10/02

SEP - 7 2016

**MMB**

**UNITED STATES DISTRICT COURT  
IN AND FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**16 4813**

WASTE CONNECTIONS US, INC.,  
a Delaware corporation,  
3 Waterway Square Place, Suite 110  
The Woodlands, Texas, 77380

Plaintiff,

v.

WASTE CONNECTIONS, INC.,  
a Pennsylvania corporation,  
101 Steeplewood Drive  
Exton, PA 19341

Defendant.

: CIVIL ACTION  
:  
: COMPLAINT FOR DECLARATORY  
: JUDGMENT \_

: No.\_  
:  
:  
:  
:  
:  
:

**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff Waste Connections US, Inc. ("Plaintiff"), for its Complaint against defendant Waste Connections, Inc. ("Defendant"), alleges as follows:

**PARTIES**

1. Plaintiff is, and at all relevant times was, a Delaware corporation, duly organized and existing under the laws of the State of Delaware, with its principal place of business located in The Woodlands, Texas.

2. Plaintiff is informed and believes, and based thereon alleges, that Defendant is a Pennsylvania corporation, which was at least at one time doing business in Pennsylvania, with its principal place of business in Exton, Pennsylvania.

**JURISDICTION AND VENUE**

3. This is an action for declaratory judgment arising under the Declaratory Judgment Act, 28 U.S.C. sections 2201-02. This court has federal question jurisdiction over this action pursuant to 28 U.S.C. section 1331 and pursuant to 28 U.S.C. section 1338(a).



4. Venue is proper in this Court under 28 U.S.C. section 1391(b) because a substantial number of the events, acts, or omissions giving rise to the claims alleged in this complaint occurred within the Eastern District of Pennsylvania.

### **SUMMARY OF FACTS**

5. Plaintiff is an industry-leading company that provides waste and recycling services to millions of customers nationwide.

6. Plaintiff was founded in 1997 and went public in 1998.

7. Plaintiff has registered several trademarks, including the trademark WASTE CONNECTIONS, INC. (“WC Mark”) (incontestable Registration No. 3,714,422) with the United States Patent and Trademark Office (“USPTO”) (attached hereto as Exhibit “A”). The WC Mark is registered in International Class 037 for use in connection with “Waste collection and disposal services for others,” International Class 039 for use in connection with “Waste transfer service for others,” and International Class 040 for use in connection with “Recycling.” Plaintiff has been using the WC Mark continuously since 1998. The value of the goodwill that Plaintiff has accrued in the WC Mark is substantial.

8. At all relevant times, Plaintiff has extensively used the WC Mark to identify its services and to distinguish itself from services offered by others to the general public and to its two million plus residential, commercial and industrial customers across the United States. Plaintiff has invested substantial time and money in promoting the WC Mark in connection with the marketing and sale of services by, among other things, prominently displaying the WC Mark on its websites, signage, vehicles, advertising, displays, marketing and promotional materials, telephone directory advertising, and periodicals distributed throughout the United States.

9. As a result of Plaintiff's efforts, the WC Mark is a famous mark. The WC Mark is a valuable asset of Plaintiff, symbolizing its business, services, and goodwill. Plaintiff's continued success depends, in part, on continued national name recognition for the provision of quality services.

10. As of December 31, 2015, Plaintiff and its subsidiaries served the waste hauling needs of residential, commercial, industrial and exploration and production customers in the following 32 states: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington and Wyoming.

11. On June 1, 2016 Plaintiff merged with Progressive Waste Solutions Ltd., an Ontario corporation ("Progressive Waste"), and as a result of the merger, Plaintiff became a subsidiary of Progressive Waste, and Progressive Waste changed its name to Waste Connections, Inc. (the "Parent Company"). The Parent Company, through subsidiaries, operates waste hauling operations and landfill facilities within the Commonwealth of Pennsylvania. Plaintiff has entered into a license agreement with the Parent Company for the use of the WC Mark by the Parent Company and its subsidiaries, including the subsidiaries operating the waste hauling operations and landfill facilities within the Commonwealth of Pennsylvania.

12. Plaintiff recently became aware of the existence of Defendant.

13. Plaintiff is informed and believes that Defendant was incorporated in Pennsylvania in 1997 and provided, at one time, a broker service for trucking, demolition services, and project site clean-up in. Plaintiff is informed and believes that Defendant's

business was limited to the borough of Downingtown, Pennsylvania.

14. Plaintiff is informed and believes that Defendant at some point in time before 2013, ceased operating as a going concern without the intent of resuming business operations, thus creating a rebuttable presumption of abandonment of any rights Defendant may have in the WASTE CONNECTIONS mark under 15 U.S.C. section 1127.

15. Employees for Plaintiff contacted Craig Cody, who is listed on the Pennsylvania Secretary of State database as the president of Defendant. Despite Plaintiff's understanding that Defendant has not been a going concern for numerous years, Mr. Cody contends that Defendant is an operating business using the mark WASTE CONNECTIONS.

**FIRST CLAIM FOR RELIEF**  
**(Declaratory Judgment – Abandonment of Trademark)**

16. Plaintiff repeats and incorporates by reference the allegations of paragraphs 1 through 15 above as if fully set forth herein.

17. An actual controversy has arisen and now exists between Plaintiff and Defendant. Plaintiff is informed and believes that the Defendant long ago ceased operating under the mark WASTE CONNECTIONS and thus abandoned whatever rights it may have had in WASTE CONNECTIONS. The Defendant's assertion that it is an operating concern that does business using the mark WASTE CONNECTIONS places Plaintiff in the position of either potentially infringing the Defendant's rights in the WASTE CONNECTIONS mark or abandoning its plans to allow the use of its federally registered WC Mark in connection with its licensee's business operations within the Commonwealth of Pennsylvania.

18. Plaintiff desires a judicial determination and judgment that Defendant has abandoned whatever rights it may have in the mark WASTE CONNECTIONS. Such declaration is necessary and appropriate at this time so that Plaintiff may ascertain its rights with respect to

its licensee's use of the WC Mark within the Commonwealth of Pennsylvania.

**SECOND CLAIM FOR RELIEF**  
**(Declaratory Judgment – No Likelihood of Confusion)**

19. Plaintiff repeats and incorporates by reference the allegations of paragraphs 1 through 18 above as if fully set forth herein.

20. An actual controversy has arisen and now exists between Plaintiff and Defendant. Plaintiff is informed that Defendant, at some point in the past, used the mark WASTE CONNECTIONS in connection with a broker service for trucking, demolition services, and project site clean-up. If Defendant is able to establish that it has not abandoned its rights in WASTE CONNECTIONS, Plaintiff believes and alleges that the services covered by Defendant are not sufficiently related to the services provided by Plaintiff such that there would be a likelihood of confusion between Defendant's mark and Plaintiff's WC Mark. Plaintiff is placed in the position of either potentially infringing the Defendant's rights in the WASTE CONNECTIONS mark or abandoning its plans to allow the use of its federally registered WC Mark in connection with its licensee's business operations within the Commonwealth of Pennsylvania.

21. Plaintiff desires a judicial determination and declaration that even if Defendant has not abandoned its rights in connection with the WASTE CONNECTIONS mark, the use by Plaintiff's licensee of the WC Mark in Pennsylvania is not likely to cause confusion with Defendant's mark and does not infringe on any trademark rights of Defendant, or otherwise violate any of Defendant's rights of trade. Such declaration is necessary and appropriate at this time so that Plaintiff may ascertain its rights with respect to its use of the WC Mark within the Commonwealth of Pennsylvania. Plaintiff has no other existing, speedy, adequate or proper remedy other than a declaration and determination of the parties' rights as prayed herein.



**THIRD CLAIM FOR RELIEF**  
**(Declaratory Judgment – Concurrent Use)**

22. Plaintiff repeats and incorporates by reference the allegations of paragraphs 1 through 21 above as if fully set forth herein.

23. An actual controversy has arisen and now exists between Plaintiff and Defendant. Plaintiff is informed that Defendant, at some point in the past, used the mark WASTE CONNECTIONS in connection with a broker service for trucking, demolition services, and project site clean-up and that such use was limited to the borough of Downingtown, Pennsylvania. If Defendant is able to establish that it has not abandoned its common law rights in WASTE CONNECTIONS, Plaintiff believes and alleges that Defendant's common law rights in WASTE CONNECTIONS are limited to the borough of Downingtown, Pennsylvania, and that Plaintiff would be entitled to concurrent use of the WC Mark for the rest of Pennsylvania and all other states. Plaintiff is placed in the position of either potentially infringing the Defendant's rights in the WASTE CONNECTIONS mark or abandoning its plans to allow the use of its federally registered WC Mark in connection with its licensee's business operations within the Commonwealth of Pennsylvania.

24. Plaintiff desires a judicial determination and declaration that if Defendant has not abandoned its common law rights in the WASTE CONNECTIONS mark, Defendant's common law rights are limited to the borough of Downingtown, Pennsylvania, and Plaintiff is entitled to concurrent use of the WC Mark for the rest of Pennsylvania and all other states. Such declaration is necessary and appropriate at this time so that Plaintiff may ascertain its rights with respect to the use by Plaintiff's licensee of the WC Mark within the Commonwealth of Pennsylvania. Plaintiff has no other existing, speedy, adequate or proper remedy other than a declaration and determination of the parties' rights as prayed herein.

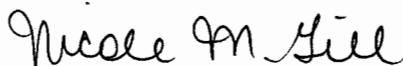
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Waste Connections US, Inc. requests this Court, pursuant to its authority under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, enter a judgment declaring as follows:

- a) that Defendant has abandoned the mark WASTE CONNECTIONS;
- b) that the use of the WC Mark by Plaintiff or its licensee is not likely to cause confusion with, infringe or otherwise violate any of Defendant's rights, if any, in the mark WASTE CONNECTIONS;
- c) that Plaintiff is, at law, entitled to concurrent use of the WC Mark throughout Pennsylvania and other states, except in the borough of Downingtown, Pennsylvania;
- d) that this is an exceptional case and awarding Plaintiff its full costs and reasonable attorneys' fees pursuant to 15 U.S.C. § 1117; and
- e) for such other and further relief as the Court deems just and proper.

Dated: September 7, 2016

Respectfully submitted,



Kevin R. Casey, Esq.

Nicole M. Gill, Esq.

**STRADLEY RONON STEVENS & YOUNG,  
LLP**

2600 One Commerce Square

Philadelphia, PA 19103-7098

(215) 564-8000-Phone

Attorneys for Plaintiff

Waste Connections US, Inc.,

a Delaware corporation

